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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,780	10/30/2000	Rick Mousseau	DON01 P-854	7088

28101 7590 05/09/2003

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EXAMINER

NGUYEN, FRANCIS N

ART UNIT PAPER NUMBER

2674

DATE MAILED: 05/09/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/699,780

Applicant(s)

MOUSSEAU ET AL.

Examiner

FRANCIS NGUYEN

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19-38 and 40-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-17, 19-38 and 40-58 is/are allowed.
- 6) ☒ Claim(s) 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. The amendment filed on 2/3/2003 is entered.

Specification

2. The disclosure is objected to because of the following informalities: missing information in lines 4-7 of page 19.

Appropriate correction is required.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claim 13 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 11 of U.S. Patent No. 6,520,667. Although the conflicting claims are not identical, they are not patentably distinct from each other because Claim 13 differs from claim 11 of US Patent 6,520,667 only in one limitation, carrier included in rear view mirror case. Note however any user device equipped with buttons/knobs/switches has to have a housing structure to be held or touched by a user. It would have been obvious to a

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person of ordinary skill in the art at the time of the invention to utilize the apparatus taught in US Patent 6,520,667 then add a housing structure to hold buttons/knobs/switches because it would allow a user to access and operate buttons/knobs/switches with reliability and ease.

Allowable Subject Matter

5. Claims 1-12, 14-17, 19-27, 28-38, 40-58 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter:

As to claims 1-12, 14-17, 19-27, 28-38, 40-49, none of prior art teaches a rear view mirror case having a reflective element comprising a carrier with at least one user-actuable interface device.

As to claims 50-58, none of prior art teaches a prismatic interior rear view mirror system for a vehicle comprising a toggle assembly adapted to pivot a mirror case and a reflective element about a support between a day position and a night position, including a grasping member having a base and an outer surface.

Response to Arguments

7. Applicant's arguments filed 2/3/2003, with respect to have been fully considered and are persuasive. The rejection of claims 1-12, 14-17, 19-27, 28-38, 40-58 has been withdrawn.

CONCLUSION

8. The prior art made of record and not relied upon is pertinent to applicant's disclosure.

US Patent	6,329,925	Skiver et al.
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US Patent	6,318,870	Spooner et al.
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US Patent 6,428,172 Hutzet et al.

US Patent 6,106,121 Buckley et al.

US Patent 5,956,181 Lin

Reference Skiver et al. is made of record as it has the same assignee with Applicant's , disclosing a rearview mirror assembly with carrier as keypad.

Reference Spooner et al. is made of record as it has the same assignee with Applicant's, disclosing a toggle assembly for rearview mirror.

Reference Hutzet et al. is made of record as it has the same assignee with Applicant's, disclosing a rearview mirror assembly with utility functions.

Reference Buckley et al. is made of record as it discloses a rear view mirror with integrated matrix display.

Reference Lin is made of record as it discloses a two way mirror with dual functions of rear view mirror and video displayer.

The non- prior art made of record and not relied upon is pertinent to applicant's disclosure

US Patent 6,545,598 deVilleroche

Reference deVilleroche is made of record as it discloses a motor vehicle accessory comprising a data display screen for the driver.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **FRANCIS N NGUYEN** whose telephone number is **703 308-8858**. The examiner can normally be reached during hours 8:00 AM- 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **RICHARD A HJERPE** can be reached at 703 305-4709.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service whose telephone number is
(703) 306-0377.



May 2nd, 2003

FRANCIS N NGUYEN
Examiner
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